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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RICHARD E. FANGMAN, JASON D. PRESTON, and  
KENNETH RYON

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Appeal 2010-006345  
Application 09/903,838  
Technology Center 2400

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Before ALLEN R. MacDONALD, ROBERT E. NAPPI, and  
DEBRA K. STEPHENS, *Administrative Patent Judges*.

*Per Curiam.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 1 through 8, 10 through 23, 25 through 38, and 40 through 107.

We affirm-in-part.

#### INVENTION

The invention is directed to a system for configuring an internet protocol (IP) telephone. See pages 5 and 6 of Appellants' Specification. Claims 1 and 60 are representative of the invention and reproduced below:

1. A method for configuring an IP telephone, comprising:
  - receiving an identifier from the IP telephone;
  - determining if a MAC ID for the **IP** telephone is valid;
  - if the **MAC ID** is determined to be valid, determining if the identifier is valid;
  - if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the **IP** telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications.
60. A system for hosted voice over internet protocol communications, the system comprising:
  - an internet protocol device (**IPD**) configured to convey a first data packet with a first private **IP** address; and
  - a service gateway (**SG**);
  - wherein the **SG** is configured to: receive the first data packet with the first private **IP** address; and
  - perform network address translation (NAT) on the first data packet with a second private **IP** address, the second private **IP** address being assigned by a service provider.

(Emphases in the original)

REFERENCES

Larson	US 2002/0093915 A1	Jul. 18, 2002
Edholm	US 6,772,210 B1	Aug. 3, 2004
Schuster	US 6,822,957 B1	Nov. 23, 2004
Lee	US 6,958,992 B2	Oct. 25, 2005

REJECTION AT ISSUE

The Examiner has rejected claims 1 through 7, 15 through 22, 30 through 37, 45 through 52, and 59 under 35 U.S.C. § 103(a) over Lee and Schuster. Answer 5-13.<sup>1</sup>

The Examiner has rejected claims 8, 10 through 14, 23, 25 through 29, 38, 40 through 44, and 53 through 58 under 35 U.S.C. § 103(a) over Lee and Schuster. Answer 13-18.

The Examiner has rejected claims 60, 68, 76, 81, 84, 92, 100, and 105 under 35 U.S.C. § 102(e) as anticipated by Edholm. Answer 18-20.

The Examiner has rejected claims 61 through 66, 69 through 74, 77 through 80, 82, 85 through 90, 93 through 98, 101 through 104, and 106 under 35 U.S.C. § 103(a) over Edholm in view of Larson. Answer 20-31.

The Examiner has rejected claims 67, 75, 83, 91, 99, and 107 under 35 U.S.C. § 103(a) over Edholm in view of Larson and Schuster. Answer 32-33.

## ISSUES

### Rejections based upon Lee and Schuster

Appellants argue on pages 13 and 14 of the Brief,<sup>2</sup> that the Examiner's rejection of independent claims 1, 16, 31, and 46 is in error. Appellants' arguments present us with the issue: did the Examiner err in finding that the combination of Lee and Schuster teach receiving and identifier from an IP phone as recited in the claims?

### Rejections based upon Edholm

Appellants argue on pages 15 through 17 of the Brief, that the Examiner's rejections based upon Edholm are in error. Appellants' arguments present us with the issue: did the Examiner err in finding that Edholm teaches performing network address translation on a packet with a second private IP address as claimed?

## ANALYSIS

### Rejections based upon Lee and Schuster

We have reviewed Appellants' arguments in the Brief, the Examiner's rejection and the Examiner's response to the Appellants' arguments. We concur with Appellants' conclusion that the Examiner erred in finding the combination of Lee and Schuster teach receiving an identifier from the IP phone. Independent claim 1 recites receiving an identifier from the IP

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<sup>1</sup> Throughout this opinion we refer to the Examiner's Answer mailed on January 8, 2010

<sup>2</sup> Throughout this opinion we refer to Appellants' Appeal Brief dated September 29, 2009.

phone, determining if a MAC ID from the phone is valid and if the MAC ID is determined to be valid, determining if the identifier is valid. Independent claims 16, 31, and 46 recite similar limitations. As is seen from the claims, the identifier is not a MAC ID, Appellants' Specification, p.5, ll. 16, refers to the identifier as the vendor ID. In rejecting the claims the Examiner cites the Lee "Svc Provider ID" as being the claimed received identifier. Answer 35 and 36. We concur, however, contrary to the Examiner' findings, we do not find that the "Svc Provider ID" of Lee is received from the IP telephone as claimed. Rather it is provided by the IP phone service provider (item 202 in Figure 3), compare data in communication line 318 of figure 3 (from phone (item 102) to IP Phone Service provider (item 202)) to data communication line 320 (from IP Service provider (item 202) to set registration process (item 204)). Accordingly, we will not sustain the Examiner's rejections of claims 1 through 8, 10 through 23, 25 through 38, and 40 through 59 as we do not find that the Examiner has shown that the combination of the references teach the limitations of the independent claims.

Rejections based upon Edholm

We have reviewed Appellants' arguments in the Brief, the Examiner's rejection and the Examiner's response to the Appellants' arguments. We disagree with Appellants' conclusion that the Examiner erred in finding that Edholm teaches performing network address translation on a packet with a second private IP address. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in

response to Appellants' Appeal Brief. In addition to the Examiner's findings we note that the addresses discussed in Edholm are IP addresses. Col. 3, ll. 44-54. Further, Appellants argue that Edholm teaching translation using a private and a public address is unlike the claims which recite using two private addresses. We do not consider this argument to be persuasive. As identified by the Examiner Edholm teaches translating using two addresses. Answer 40. While Edholm discusses *an example* of translating from a private to a public network using private and public addresses, we do not consider the teaching to be limited to networks designated as private and public. Further, the distinction between a private and public IP network address within the confines of the claim is directed to non-functional descriptive material (i.e. the limitation merely describes who has access to the network, but there is no limitation directed to using this access status for any function).<sup>3</sup> Accordingly, we sustain the Examiner's rejections of claims 60 through 107 under 35 U.S.C. § 102(e), and 35 U.S.C. § 103(a).

## ORDER

We reverse the Examiner's rejections of claims 1 through 8, 10 through 23, 25 through 38, and 40 through 59, and we affirm the Examiner's rejections of claims 60 through 107.

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<sup>3</sup>Should there be further prosecution of these claims, it is suggested that the Examiner consider whether the Specification provides proper support for the limitation directed to performing a network address translation as with a second private IP address as claimed. The portions of the Specification cited by Appellants, on page 9 and 10 of the Brief, to show support for these limitations do not discuss such a translation using a second private IP address.

Appeal 2010-006345  
Application 09/903,838

The decision of the Examiner to reject claims 1 through 8, 10 through 23, 25 through 38, and 40 through 107 is affirmed-in-part.

**AFFIRMED-IN-PART**

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